IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO.9595/2007.

Ganpat Lal
Vs.
District & Sessions Judge Sawai Madhopur & Anr.

Date of order : 30/11/2007.

**HON'BLE MR.JUSTICE MOHAMMAD RAFIQ**

Shri Kuldeep Verma for the petitioner.

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**BY THE COURT**:-

Heard learned counsel for the petitioner.

2) The petitioner has challenged the order dated 19/5/2006 whereby, the learned District Judge Sawai Madhopur while allowing the application of the respondent No.2 filed under Section 24 of the Hindu Marriage Act, directed payment of Rs.500/- each for wife and her son as maintenance during the pendency of the divorce petition under Section 13 of the Hindu Marriage Act.

3) Learned counsel for the petitioner has argued that already application of the respondent No.2 u/S.125 Cr.P.C. is pending therefore, another

application to the same effect could not be entertained by the learned District Judge. It is further argued that respondent-wife is able to maintain herself and her child. Further, the application was filed with the delay of four years hence, it was liable to be dismissed.

4) I am not pursuaded to uphold the argument because mere pendency of the application for maintenance u/S.125 Cr.P.C., does not preclude the court of the learned District Judge to pass appropriate order on the application filed by the respondent-wife under Section 24 of the Hindu Marriage Act. Moreover, by filing such an application by the respondent with the delay of four years also does not permanently debar her right to demand the maintenance.

I do not find any merit in this petition. The same is therefore dismissed.

**(MOHAMMAD RAFIQ), J.**

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